

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

**In re: Valsartan Products Liability  
Litigation**

MDL No. 2875

This document relates to:

Hon. Robert B. Kugler,  
District Court Judge

*Leda Kay McMurray v. Camber  
Pharmaceuticals, Inc., et al.*; 1:20-cv-07174-  
RBK-KMW

Hon. Karen M. Williams,  
Magistrate Judge

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**MOTION TO SUBSTITUTE PARTY PLAINTIFF AND AMEND COMPLAINT**

Robert McMurray, surviving spouse of Plaintiff Leda Kay McMurray, by and through the undersigned counsel, moves the Court for an order to substitute himself as the Plaintiff in this action and to amend the complaint. In support, he states the following:

1. On June 12, 2020, Plaintiff Leda Kay McMurray, initiated this action against Defendants for personal injury relating to cancer allegedly caused by Defendants' products.
2. On October 14, 2020, during the pendency of this action, Plaintiff died of cancer in Tennessee. Ex. A, Death Certificate.
3. Plaintiff's action against Defendants survived her death and has not been extinguished. Tenn. Code §§ 20-5-102, 108.
4. Robert McMurray, as surviving spouse of Decedent, is the appropriate party to continue this action on her behalf. Tenn. Code §§ 20-5-102 , 106 and 108.
5. Accordingly, pursuant to F.R.C.P. 25(a)(1), Robert McMurray moves the Court to substitute himself as the plaintiff in this case so that Decedent's claims survive, and the action proceed on her behalf.

6. Additionally, pursuant to F.R.C.P. 15(a)(2), Mr. McMurray seeks leave to amend the Short Form Complaint (“SFC”) to reflect this substitution as well as add survival, wrongful death, and loss of consortium actions.
7. Under Civil Rule 15.02, leave to amend should be “freely given when justice so requires.” By granting leave to amend the complaint, no party should suffer any prejudice as the case is still in the early stages of litigation.
8. Exhibit B to this Motion is a clean copy of the proposed Second Amended SFC. Exhibit C is redlined copy indicating the changes to the SFC. And Exhibit D is a Proposed Order.
9. Pursuant to Local Rule 15.1(a), counsel for Plaintiff attempted to confirm whether Defendants would consent, not oppose, or oppose this Motion. However, counsel was unable, despite making a good faith effort, to get a response from all Defendants.

WHEREFORE, Robert McMurray respectfully requests that he be substituted as party plaintiff in this action, that the action be re-styled as *Robert McMurray, Spouse and Next of Kin to Leda Kay McMurray, Deceased v. Camber Pharmaceuticals, Inc., et al.*, and that he be granted leave to amend the Short Form Complaint.

Dated: April 27, 2021

Respectfully submitted,

/s/ David Hobbs  
David Hobbs  
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*Counsel for Deceased Plaintiff, Leda Kay McMurray, and Surviving Spouse/Movant, Robert McMurray*

**CERTIFICATE OF SERVICE**

I certify that on April 27, 2021, I electronically filed the foregoing document with the Clerk of Court via the CM/ECF system, which will send notification of such filing to all parties in this action.

/s/ David Hobbs

David Hobbs